

(iii) The U.S. sales volume for end-of-year reports shall be based on the location of the point of sale to a dealer, distributor, fleet operator, broker, or any other entity which comprises the point of first sale.

(iv) Failure by a manufacturer to submit the end-of-year report within the specified time may result in certificate(s) for the engine family(ies) certified to Tier 0 certification standards being voided ab initio plus any applicable civil penalties for failure to submit the required information to the Agency.

(v) These reports shall include the information required under § 86.094–7(h)(1). The information shall be organized in such a way as to allow the Administrator to determine compliance with the Tier 1 standards implementation schedules of §§ 86.094–8 and 86.094–9, and the Tier 1 and Tier 1_i implementation schedules of §§ 86.708–94 and 86.709–94.

[58 FR 66294, Dec. 20, 1993, as amended at 59 FR 14110, Mar. 25, 1994]

§ 86.095–26 Mileage and service accumulation; emission measurements.

Section 86.095–26 includes text that specifies requirements that differ from § 86.094–26. Where a paragraph in § 86.094–26 is identical and applicable to § 86.095–26, this may be indicated by specifying the corresponding paragraph and the statement “[Reserved]. For guidance see § 86.094–26.” Where a corresponding paragraph of § 86.094–26 is not applicable, this is indicated by the statement “[Reserved].”

(a)–(b)(4)(i)(C) [Reserved]. For guidance see § 86.094–26.

(b)(4)(i)(D) For each engine family, the manufacturer will either select one vehicle previously selected under § 86.094–24(b)(1) (i) through (iv) to be tested under high altitude conditions or provide a statement in accordance with § 86.095–24(b)(1)(v). Vehicles shall meet emission standards under both low- and high-altitude conditions without manual adjustments or modifications. In addition, any emission control device used to conform with the emission standards under high-altitude conditions shall initially actuate (automatically) no higher than 4,000 feet above sea level.

(ii) *Diesel*. (A) The manufacturer shall determine, for each engine family, the mileage at which the engine-system combination is stabilized for emission data testing. The manufacturer shall maintain, and provide to the Administrator if requested, a record of the rationale used in making this determination. The manufacturer may elect to accumulate 4,000 miles on each test vehicle within an engine family without making a determination. The manufacturer must accumulate a minimum of 2,000 miles (3,219 kilometers) on each test vehicle within an engine family. All test vehicle mileage must be accurately determined, recorded, and reported to the Administrator. Any vehicle used to represent emission data vehicle selections under § 86.094–24(b)(1) shall be equipped with an engine and emission control system that has accumulated the mileage the manufacturer chose to accumulate on the test vehicle. Fuel economy data generated from certification vehicles selected in accordance with § 86.094–24(b)(1) with engine-system combinations that have accumulated more than 10,000 kilometers (6,200 miles) shall be factored in accordance with § 600.006–87(c) of this chapter. Complete exhaust emission tests shall be conducted for each emission data vehicle selection under § 86.094–24(b)(1). The Administrator may determine under § 86.094–24(f) that no testing is required.

(B) Emission tests for emission data vehicle(s) selected for testing under § 86.094–24(b)(1)(v) shall be conducted at the mileage (2,000 mile minimum) at which the engine-system combination is stabilized for emission testing or at the 6,436 kilometer (4,000 mile) test point under high-altitude conditions.

(C) Exhaust and evaporative emission tests for emission data vehicle(s) selected for testing under § 86.094–24(b)(1) (ii), (iii), and (iv) shall be conducted at the mileage (2,000 mile minimum) at which the engine-system combination is stabilized for emission testing or at the 6,436 kilometer (4,000 mile) test point under low-altitude conditions.

(D) For each engine family, the manufacturer will either select one vehicle previously selected under § 86.094–26(b)(1) (i) through (iv) to be tested

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under high altitude conditions or provide a statement in accordance with § 86.095–24(b)(1)(v). Vehicles shall meet emission standards under both low- and high-altitude conditions without manual adjustments or modifications. In addition, any emission control device used to conform with the emission standards under high-altitude conditions shall initially actuate (automatically) no higher than 4,000 feet above sea level.

(b)(4)(iii)–(d) [Reserved]. For guidance see § 86.094–26.

[58 FR 4036, Jan. 12, 1993]

§ 86.095–30 Certification.

Section 86.095–30 includes only text that specifies requirements that differ from § 86.094–30. Where a paragraph in § 86.094–30 is identical and applicable to § 86.095–30, this is indicated by specifying the corresponding paragraph and the statement “[Reserved]. For guidance see § 86.094–30.” Where a corresponding paragraph of § 86.094–30 is not applicable, this is indicated by the statement “[Reserved].”

(a)(1)(i)–(a)(2) [Reserved]. For guidance see § 86.094–30.

(a)(3)(i) One such certificate will be issued for each engine family. For gasoline-fueled and methanol-fueled light-duty vehicles and light-duty trucks, one such certificate will be issued for each engine family evaporative emission family combination. Each certificate will certify compliance with no more than one set of in-use and certification standards (or family emission limits, as appropriate).

(ii) For gasoline-fueled and methanol fueled heavy-duty vehicles, one such certificate will be issued for each manufacturer and will certify compliance for those vehicles previously identified in that manufacturer’s statement(s) of compliance as required in § 86.094–23(b)(4) (i) and (ii).

(iii) For diesel light-duty vehicles and light-duty trucks, or diesel heavy-duty engines, included in the applicable particulate averaging program, the manufacturer may at any time during production elect to change the level of any family particulate emission limit by demonstrating compliance with the new limit as described in §§ 86.094–28(a)(6) and 86.094–28(b)(5)(i). New cer-

tificates issued under this paragraph will be applicable only for vehicles (or engines) produced subsequent to the date of issuance.

(iv) For light-duty trucks or heavy-duty engines included in the applicable NO_x averaging program, the manufacturer may at any time during production elect to change the level of any family NO_x emission limit by demonstrating compliance with the new limit as described in § 86.094–28(b)(5)(ii). New certificates issued under this paragraph will be applicable only for vehicles (or engines) produced subsequent to the day of issue.

(4)(i) For exempt light-duty vehicles and light-duty trucks under the provisions of §§ 86.094–8(j) or 86.094–9(j), an adjustment or modification performed in accordance with instructions provided by the manufacturer for the altitude where the vehicle is principally used will not be considered a violation of section 203(a)(3) of the Clean Air Act (42 U.S.C. 7522(a)(3)).

(ii) A violation of section 203(a)(1) of the Clean Air Act (42 U.S.C. 7522(a)(1)) occurs when a manufacturer sells or delivers to an ultimate purchaser any light-duty vehicle or light-duty truck, subject to the regulations under the Act, under any of the conditions specified in paragraph (a)(4)(ii) of this section.

(A) When a light-duty vehicle or light-duty truck is exempted from meeting high-altitude requirements as provided in § 86.090–8(h) or § 86.094–9(h):

(1) At a designated high-altitude location, unless such manufacturer has reason to believe that such vehicle will not be sold to an ultimate purchaser for principal use at a designated high-altitude location; or

(2) At a location other than a designated high-altitude location, when such manufacturer has reason to believe that such motor vehicle will be sold to an ultimate purchaser for principal use at a designated high-altitude location.

(B) When a light-duty vehicle or light-duty truck is exempted from meeting low-altitude requirements as provided in § 86.094–8(i) or § 86.094–9(i):

(1) At a designated low-altitude location, unless such manufacturer has reason to believe that such vehicle will